

honourable Members that if they wish this matter to be considered further it should be dealt with in this way either by substantive motion or by a motion of no confidence in the government.

The Order being called for concurrence in the Fifth Report of the Standing Committee on Transport and Communications, presented to the House on Wednesday, March 19, 1969;

RULING BY MR. SPEAKER

Mr. SPEAKER: I have listened with attention to the arguments advanced by the President of the Privy Council (Mr. Macdonald), which were essentially a restatement of the interesting points made when the matter was initially raised last week. I have also heard the honourable Member for St. John's East (Mr. McGrath) and the other honourable Members who took part in the debate. They referred to the three points which I had mentioned when the matter was first brought up in the House: namely 1, whether the committee report goes beyond the Committee's terms of reference; 2, whether the report offends the *sub judice* rule or doctrine, and 3, possible objection with the form of the report.

First, dealing specifically with the terms of reference of the committee I would remind honourable Members that, that argument was not made seriously by any honourable Member, and indeed the President of the Privy Council said that he was not putting forth a view in this regard, and so I will not consider that aspect of the matter in any way.

The second important point is whether the report offends the *sub judice* doctrine, and in the course of the discussion I have been referred to many clauses in the Railway Act. I doubt very much whether it is the duty of the Chair to take the Railway Act, or, and any other statute to see whether or not the report submitted by the committee offends in any way some of the clauses of any statute.

It has been said that the House of Commons might inform the government of its opinion on the matter, since, according to section 53 of the Railway Act, the Governor in Council may vary or rescind an order or decision of the Canadian Transport Commission. That is the kind of argument that has been submitted to the Chair and in my submission it is not the kind of argument that the Chair should be asked to review. The Chair, as I have said, should not be invited to go into the constitutional aspects, the jurisdictional aspects of a statute or of a clause of a Statute which has been considered by a committee. These considerations, I suggest, should not be adjudged by the Speaker. These matters may be adjudged by the House itself and the way to proceed is by means of a motion. On the motion for concurrence it may be proposed that the report be not now concurred in and that it be referred back to the committee for further consideration, or for the purpose of deleting the paragraph which recommended that the order of the Transport Commission be left in abeyance.

My suggestion to honourable Members is that none of those considerations should be decided upon by the Chair at this time.

A similar question was raised in this House on July 1, 1919.

I am sorry that I have to refer so far back, but at the same time I am comforted in the fact that the honourable Member for Winnipeg North Centre (Mr. Knowles) in support of his case went back to 1874.

The report of this case can be found at page 498 of the Journals of that year, 1919. When on the motion for concurrence in a Committee Report a